



**ASSEMBLY AMENDMENT 110,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2009 ASSEMBLY BILL 75**

June 11, 2009 – Offered by Representatives LEMAHIEU, VAN ROY, NEWCOMER and KLEEFISCH.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 317, line 5: after that line insert:

3 “**SECTION 363g.** 20.435 (4) (w) of the statutes, as affected by 2009 Wisconsin Act
4 2, is amended to read:

5 20.435 **(4)** (w) *Medical Assistance trust fund.* ~~From Subject to s. 50.38 (10), from~~
6 the Medical Assistance trust fund, biennially, the amounts in the schedule for
7 meeting costs of medical assistance administered under ss. 46.27, 46.275 (5), 46.278
8 (6), 46.283 (5), 46.284 (5), 49.45, and 49.472 (6), for refunds under s. 50.38 (6) (a), and
9 for administrative costs associated with augmenting the amount of federal moneys
10 received under 42 CFR 433.51.”.

11 **2.** Page 608, line 13: after that line insert:

1 **“SECTION 1289p.** 49.45 (3) (e) 11. of the statutes, as created by 2009 Wisconsin
2 Act 2, is amended to read:

3 49.45 **(3)** (e) 11. The department shall use a portion of the moneys collected
4 under s. 50.38, subject to s. 50.38 (10), to pay for services provided by eligible
5 hospitals, as defined in s. 50.38 (1), under the Medical Assistance Program under this
6 subchapter, including services reimbursed on a fee-for-service basis and services
7 provided under a managed care system. For state fiscal year 2008–09, total
8 payments under this subdivision, including both the federal and state share of
9 Medical Assistance, shall equal the amount collected under s. 50.38 (2) for fiscal year
10 2008–09 divided by 57.75 percent. For each state fiscal year after state fiscal year
11 2008–09, total payments under this subdivision, including both the federal and state
12 share of Medical Assistance, shall equal the amount collected under s. 50.38 (2) for
13 the fiscal year divided by 61.68 percent.

14 **SECTION 1289r.** 49.45 (5m) (am) of the statutes, as affected by 2009 Wisconsin
15 Act 2, is amended to read:

16 49.45 **(5m)** (am) Notwithstanding sub. (3) (e) and subject to s. 50.38 (10), from
17 the appropriation accounts under s. 20.435 (4) (b), (o), (w) and (xc), the department
18 shall distribute not more than \$5,000,000 in each fiscal year, to provide
19 supplemental funds to rural hospitals that, as determined by the department, have
20 high utilization of inpatient services by patients whose care is provided from
21 governmental sources, except that the department may not distribute funds to a
22 rural hospital to the extent that the distribution would exceed any limitation under
23 42 USC 1396b (i) (3).

24 **SECTION 1289t.** 49.45 (5r) of the statutes, as created by 2009 Wisconsin Act 2,
25 is amended to read:

1 **49.45 (5r)** SUPPLEMENTAL FUNDING FOR UNCOMPENSATED CARE. Notwithstanding
2 sub. (3) (e) and subject to s. 50.38 (10), from the appropriation account under s. 20.435
3 (4) (w), the department shall distribute \$3,000,000 in each fiscal year to the
4 University of Wisconsin Hospital and Clinics for care that is not otherwise
5 compensated, except that the department may not make payments that exceed
6 limitations based on customary charges under 42 USC 1396b (i) (3).”.

7 **3.** Page 610, line 2: after that line insert:

8 **“SECTION 1294f.** 49.45 (6y) (ap) of the statutes, as created by 2009 Wisconsin
9 Act 2, is amended to read:

10 **49.45 (6y)** (ap) Notwithstanding sub. (3) (e) and subject to s. 50.38 (10), from
11 the appropriation accounts under s. 20.435 (4) (o) and (xc), the department shall
12 distribute not more than \$8,000,000 in each fiscal year as supplemental payments
13 to hospitals that satisfy the criteria established by the American College of Surgeons
14 for classification as a Level I adult trauma center, except that the department may
15 not make payments that exceed limitations based on customary charges under 42
16 USC 1396b (i) (3).

17 **SECTION 1294g.** 49.45 (6y) (ar) of the statutes, as created by 2009 Wisconsin
18 Act 2, is amended to read:

19 **49.45 (6y)** (ar) Notwithstanding sub. (3) (e) and subject to s. 50.38 (10), the
20 department may, from the appropriation account under s. 20.435 (4) (xc), make
21 supplemental payments to hospitals based on hospital performance, in accordance
22 with a payment methodology developed by the department, except that the
23 department may not make payments that exceed limitations based on customary
24 charges under 42 USC 1396b (i) (3).”.

1 **4.** Page 621, line 12: after that line insert:

2 “**SECTION 1317p.** 49.45 (59) (a) of the statutes, as created by 2009 Wisconsin
3 Act 2, is amended to read:

4 49.45 **(59)** (a) The Subject to s. 50.38 (10), the department shall, from the
5 appropriation account under s. 20.435 (4) (xc), pay each health maintenance
6 organization with which it contracts to provide medical assistance a monthly amount
7 that the health maintenance organization shall use to make payments to hospitals
8 under par. (b).”.

9 **5.** Page 652, line 10: after that line insert:

10 “**SECTION 1419k.** 50.38 (10) of the statutes is created to read:

11 50.38 **(10)** (a) The department shall ensure that none of the following moneys
12 are disbursed to a hospital, as defined in s. 50.33 (2), or clinic that performs or to a
13 hospital or clinic affiliated with a health care provider, as defined in s. 146.81 (1), that
14 performs abortions, as defined in s. 253.10 (2) (a), in the 2nd or 3rd trimester of
15 pregnancy or both, except as provided in par. (b):

16 1. Moneys that are collected under sub. (2) and expended under s. 49.45 (3) (e)
17 11., (5m) (am), (5r), (6y) (ap) or (ar), or (59) (a).

18 2. Moneys that are collected under sub. (2) and refunded under sub. (6).

19 3. Moneys that are collected under sub. (2), transferred under sub. (8), and
20 expended from the Medical Assistance trust fund.

21 (b) Paragraph (a) does not apply if a 2nd or 3rd trimester abortion performed
22 by the hospital or clinic or by the health care provider affiliated with the hospital or
23 clinic is performed in any of the following situations:

1. The pregnancy resulted from sexual assault or incest, the physician certifies that the pregnancy resulted from sexual assault or incest, and the sexual assault or incest is reported to the law enforcement authorities.

2. The abortion is performed to save the life of the woman or is medically necessary to prevent grave, long-lasting physical health damage to the woman and the physician certifies that the abortion is medically necessary to save the life of the woman or to prevent grave, long-lasting physical health damage to the woman.”.

6. Page 1891, line 11: after that line insert:

“(14f) PROHIBIT PAYMENTS TO HOSPITALS PERFORMING LATE-TERM ABORTIONS. The treatment of sections 20.435 (4) (w), 49.45 (3) (e) 11., (5m) (am), (5r), (6y) (ap) and (ar), and (59) (a), and 50.38 (10) of the statutes takes effect on July 1, 2009, or on the day after publication, whichever is later.”.

(END)